

**IN THE UNITED STATE DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION**

**AL EVERITT BOYETT, JR.,**

**Plaintiff,**

V.

**ANTHONY CLARK, SHERIFF, *et al.*,**

**Defendants.**

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**)CIVIL ACTION : 2:05-CV-966-D**

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**MOTION FOR EXTENSION TO FILE SPECIAL REPORT AND ANSWER**

Come now the Defendants, Southern Health Partners, Inc., Dr. Millard McWhorter, and Jamie Mitchell, and hereby move this Court for an extension of time within which to file their Special Report and Answer. As grounds for said motion, Defendants hereby set down and assign the following:

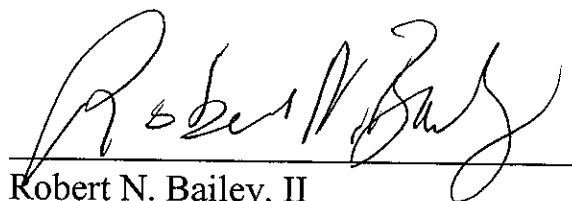
1. Pursuant to the Court's December 9, 2005 Order, Defendants' Special Report and Answer is due to be filed by Friday, February 10, 2006.

2. Earlier today, on Wednesday, February 8, 2006, Plaintiff filed his Amended Complaint, which makes new and more specific allegations against these Defendants.

3. Although Defendants were prepared to file their Special Report and Answer in Response to the Plaintiff's initial Complaint, Defendants would like this

Court to treat their Special Report as a Motion for Summary Judgment and, as such, need an opportunity to respond to the new allegations in the Amended Complaint.

WHEREFORE, Defendants move for an additional thirty day extension in which to submit their Special Report and Answer.

A handwritten signature in black ink, appearing to read "Robert N. Bailey, II", is written over a horizontal line.

Robert N. Bailey, II  
Attorney for Southern Health Partners,  
Jamie Mitchell, RN and  
Millard McWhorter, MD

LANIER FORD SHAVER & PAYNE P.C.  
200 West Side Square, Suite 5000  
P.O. Box 2087  
Huntsville, Alabama 35804  
(256) 535-1100

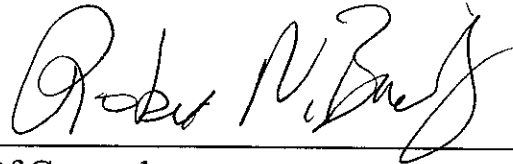
**CERTIFICATE OF SERVICE**

I hereby certify that on this the 8th day of February, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Scott Gosnell, Esq.  
Webb and Eley  
PO Box 240909  
Montgomery , AL 36124-0909

and I hereby certify that I have mailed by United States Mail, postage prepaid, the document to the following non-CM/ECF participant:

Al Everitt Boyett  
3800 Fountain  
Atmore, AL 36503

A handwritten signature in black ink, appearing to read "Robert N. Boyett", is written over a horizontal line.

Of Counsel